## ATTACHMENT Q BASIS FOR INTERFERENCE UNDER 41.202(a)(3)

	Applicant's CLAIM 12	Basis For Interference	<u>'484 CLAIM 1</u>	Basis For Interference
comprising circuitry  for creating a non-excitatory electric potential between at least two points located in the	Apparatus comprising circuitry  for creating a non- excitatory electric potential between at least two points located in the vicinity of a	Differences between the count and the claim are obvious.	Apparatus comprising circuitry  for creating a non- excitatory electric potential between at least two points located in the vicinity of a	Count anticipates the claim.
comprising circuitry for controlling the start time and/or duration of the electric current flowing between said at least two points which is synchronized to heart activity,  said circuitry not operating at every beat of the heart.	muscle,  comprising circuitry for controlling the start time and/or the duration of the electric potential generated between said at least two points which is synchronized to heart activity,  said non-excitatory electric potential being a first phase of a biphasic		muscle,  comprising circuitry for controlling the start time and/or the duration of the electric potential generated between said at least two points which is synchronized to heart activity,  said circuitry not operating at every beat of the heart.	

COUNT 2	Applicant's CLAIM 13	Basis For Interference	<u>484 CLAIM 2</u>	Basis For Interference
Implantable	Implantable	Differences	Implantable	Count
apparatus	apparatus	between the	apparatus	anticipates the
comprising	comprising	count and the claim are	comprising	claim.
circuitry for	circuitry for	obvious.	circuitry for	
causing a non-	causing a non-		causing a non-	
excitatory electric	excitatory electric		excitatory electric	
current to flow	current to flow		current to flow	
between at least	between at least		between at least	
two points located in the vicinity of a	two points located in the vicinity of a		two points located in the vicinity of a	
muscle and	muscle and		muscle and	
circuitry for controlling the start	circuitry for		circuitry for	
time and/or	controlling the start		controlling the start time and/or	
duration of the	duration of the		duration of the	
electric current,	electric current,		electric current,	
wherein said	wherein said non-		wherein said	
circuitry for	excitatory electric		circuitry for	
controlling does	current is a first		controlling does	
not operate at every beat of the heart.	phase of a bi-phasic		not operate at every	
beat of the neart.	pacing pulse.		beat of the heart.	

COUNT 3	Applicant's CLAIM 15	Basis For Interference	<u>484 CLAIM 5</u>	Basis For Interference
Apparatus, comprising:	Apparatus for varying conduction velocity of a muscle, comprising:	Differences between the count and the claim are obvious.	Apparatus for reducing the contraction force of a muscle, comprising:	Differences between the count and the claim are obvious.
means for creating an electric potential between at least two points located in the vicinity of the muscle;	means for creating an electric potential between at least two points located in the vicinity of the muscle;		means for creating an electric potential between at least two points located in the vicinity of the muscle;	
means for causing a non-excitatory DC electric current to flow between said at least two point, if desired; and	means for causing a non-excitatory DC electric current to flow between said at least two points, if desired; and		means for causing a non-excitatory DC electric current to flow between said at least two point, if desired; and	
means for controlling the start time, duration and magnitude of the non-excitatory electric potential and/or of the non-excitatory electric	means for controlling the start time, duration and magnitude of the non-excitatory electric potential and/or of the non-excitatory electric		means for controlling the start time, duration and magnitude of the non-excitatory electric potential and/or of the non-excitatory electric	
current flowing between said at least two points.	current flowing between said at least two points.		current flowing between said at least two points.	

Support for "means" limitations in the Application:

Pacemaker electronics needed to practice the method of the present invention are well known to those skilled in the art. Current pacemaker electronics are capable of being programmed to deliver a variety of pulses, including those disclosed herein. (Application, ¶0025.) This text is also disclosed in the priority chain as follows: in the '235 Patent at Col. 4, lines 28-32, in the '019 Patent at Col. 4, lines 25-19, and in the '506 Patent at Col. 4, lines 22-26.

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Support for "means" limitations in the '484 Patent:

The invention relates to apparatus comprising circuitry for creating a non-excitatory electric potential between at least two points located in the vicinity of a muscle. '484 Patent, Col. 3, lines 11-13.)

According to one embodiment of the invention, the apparatus comprises circuitry for controlling the start time of the electric potential generated between said at least two points. According to another preferred embodiment of the invention the apparatus comprises circuitry for controlling the duration of the electric potential generated between said at least two points. According to yet another preferred embodiment of the invention the apparatus comprises circuitry for controlling the magnitude of the electric potential generated between said at least two points. In another aspect, the invention is directed to apparatus comprising circuitry for causing a non-excitatory electric current to flow between at least two points located in the vicinity of a muscle. ('484 Patent, Col. 3, lines 41-54.)

Of course, the apparatus is only schematically shown, for the sake of brevity. And the skilled person will easily be able to devise many different kinds of apparatus suitable to supply the signal needed in carrying out the invention. ('484 Patent, Col. 15, lines 8-11)

COUNT 4	Applicant's CLAIM 17	Basis For Interference	<u>484 CLAIM 7</u>	Basis For Interference
A method for varying a contraction force of a muscle,	A method for varying conduction velocity of a muscle,	The count anticipates the claim.	A method for reducing the contraction force of a muscle,	Differences between the count and the claim are obvious.
comprising creating a non- excitatory electric potential between at least two points located in the vicinity of the muscle, and	comprising creating a non-excitatory electric potential between at least two points located in the vicinity of the muscle, and		comprising creating a non- excitatory electric potential between at least two points located in the vicinity of the muscle, and	
controlling one or more of the parameters consisting of start time, duration, magnitude and polarity of the non-excitatory electric potential created between said at least two points.	controlling one or more of the parameters consisting of start time, duration, magnitude and polarity of the non-excitatory electric potential created between said at least two points.		controlling one or more of the parameters consisting of start time, duration, magnitude and polarity of the non-excitatory electric potential created between said at least two points.	

COUNT 5	Applicant's CLAIM 18	Basis For Interference	<u>484 CLAIM 8</u>	Basis For Interference
A method for	A method for	Differences	A method for	The count
varying the	varying conduction	between the	reducing the	anticipates the
contraction force of	velocity of a	count and the	contraction force of	claim.
a muscle,	muscle, comprising	claim are	a muscle,	
comprising		obvious.	comprising	
causing a non-	causing a non-		causing a non-	
excitatory electric	excitatory electric		excitatory electric	
current to flow	current to flow		current to flow	
between at least	between at least		between at least	
two points located	two points located		two points located	·
in the vicinity of	in the vicinity of the		in the vicinity of	
the muscle, and	muscle as a first		the muscle, and	
	phase of a bi-phasic			
	stimulation pulse,	:		
	and			
controlling one or	controlling one or		controlling one or	
more of the	more of the		more of the	
parameters	parameters		parameters	
consisting of start	consisting of start		consisting of start	
time, duration,	time, duration,		time, duration,	
magnitude and	magnitude and		magnitude and	
polarity of the non-	polarity of the non-		polarity of the non-	
excitatory electric	excitatory electric		excitatory electric	
current flowing	current flowing		current flowing	
between said at	between said at		between said at	
least two points.	least two points.		least two points.	

COUNT 6	Applicant's CLAIM 22	Basis For Interference	<u>484 CLAIM 12</u>	Basis For Interference
A method for varying contraction force of a muscle, comprising	A method for varying conduction velocity of a muscle, comprising	Differences between the count and the claim are obvious.	A method for reducing the contraction force of a muscle, comprising	Differences between the count and the claim are obvious.
causing a non- excitatory electric current to flow between at least two points located in the vicinity of the muscle, and	causing a non- excitatory electric current to flow between at least two points located in the vicinity of the muscle as a first phase of a bi-phasic stimulation pulse, and		causing a non- excitatory electric current to flow between at least two points located in the vicinity of the muscle, and	
controlling one or more of the parameters consisting of start time, duration, magnitude and polarity of the non-excitatory electric current flowing between said at least two points,	controlling one or more of the parameters consisting of start time, duration, magnitude and polarity of the non-excitatory electric current flowing between said at least two points;		controlling one or more of the parameters consisting of start time, duration, magnitude and polarity of the non-excitatory electric current flowing between said at least two points;	
wherein the non- excitatory electric current is a DC current; and wherein the flow of the non-excitatory DC electric current is synchronized to	wherein the non- excitatory electric current is a DC current; and wherein the flow of the non-excitatory DC electric current is synchronized to		wherein the non- excitatory electric current is a DC current; and wherein the flow of the non-excitatory DC electric current is synchronized to	

COUNT 7	Applicant's CLAIM 22	Basis For Interference	<u>484 CLAIM 13</u>	Basis For Interference
A method for varying contraction force of a muscle, comprising	A method for varying conduction velocity of a muscle, comprising	Differences between the count and the claim are obvious.	A method for reducing the contraction force of a muscle, comprising	The count anticipates the claim.
causing a non- excitatory electric current to flow between at least two points located in the vicinity of the muscle, and	causing a non- excitatory electric current to flow between at least two points located in the vicinity of the muscle as a first phase of a bi-phasic stimulation pulse, and		causing a non- excitatory electric current to flow between at least two points located in the vicinity of the muscle, and	
controlling one or more of the parameters consisting of start time, duration, magnitude and polarity of the non-excitatory electric current flowing between said at least two points,  wherein the non-excitatory electric current is a DC	controlling one or more of the parameters consisting of start time, duration, magnitude and polarity of the non-excitatory electric current flowing between said at least two points; wherein the non-excitatory electric current is a DC		controlling one or more of the parameters consisting of start time, duration, magnitude and polarity of the non-excitatory electric current flowing between said at least two points;  wherein the non-excitatory electric current is a DC	
wherein the flow of the non-excitatory DC electric current is synchronized to heart activity; and wherein the non-excitatory DC	wherein the flow of the non-excitatory DC electric current is synchronized to heart activity.		wherein the flow of the non-excitatory DC electric current is synchronized to heart activity; and wherein the non-excitatory DC	

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electric current	electric current
flows not at every	flows not at every
beat of the heart.	beat of the heart.

COUNT 8	Applicant's	Basis For Interference	'484 CLAIM 40	Basis For Interference
A method for	CLAIM 47	D. CC	A 41 1 C	Ti
	A method for	Differences	A method for	The count
varying the	varying conduction	between the	reducing the	anticipates the
contraction force of	velocity of a	count and the	contraction force of	claim.
a muscle,	muscle,	claim are	a muscle,	
comprising:	comprising:	obvious.	comprising:	
providing means	providing means		providing means	
for creating an	for creating an		for creating an	
electric potential	electric potential		electric potential	
between at least	between at least		between at least	
two points located	two points located		two points located	
in the vicinity of	in the vicinity of		in the vicinity of	
the muscle;	the muscle;		the muscle;	
	·	ı		
providing means	providing means		providing means	
for causing a non-	for causing a non-		for causing a non-	
excitatory DC	excitatory DC		excitatory DC	
electric current to	electric current to		electric current to	
flow between said	flow between said		flow between said	
at least two point;	at least two point;		at least two point;	
providing means	providing means		providing means	
for switching the	for switching the		for switching the	:
current polarity	current polarity		current polarity	
between said at	between said at		between said at	
least two points;	least two points;		least two points;	
and	and		and	
providing means	providing means		providing means	
for controlling the	for controlling the		for controlling the	
start time, duration	start time, duration		start time, duration	
and magnitude of	and magnitude of		and magnitude of	
the electric current	the electric current		the electric current	
flowing between	flowing between		flowing between	
said at least two	said at least two		said at least two	
points.	points.	•	points.	

Support for "means" limitations in the Application:

Pacemaker electronics needed to practice the method of the present invention are well known to those skilled in the art. Current pacemaker electronics are capable of being programmed to deliver a variety of pulses, including those disclosed herein. (Application, ¶0025.) This text is also

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According to one embodiment of the invention, the apparatus comprises circuitry for controlling the start time of the electric potential generated between said at least two points. According to another preferred embodiment of the invention the apparatus comprises circuitry for controlling the duration of the electric potential generated between said at least two points. According to yet another preferred embodiment of the invention the apparatus comprises circuitry for controlling the magnitude of the electric potential generated between said at least two points. In another aspect, the invention is directed to apparatus comprising circuitry for causing a non-excitatory electric current to flow between at least two points located in the vicinity of a muscle. ('484 Patent, Col. 3, lines 41-54.)

In yet another aspect, the invention is directed to a method for reducing the contraction force of a muscle, comprising creating a non-excitatory electric potential between at least two points located in the vicinity of the muscle, and controlling one or more of the parameters consisting of start time, duration, magnitude and polarity of the non-excitatory electric potential created between said at least two points. ('484 Patent, Col. 4, line 66 through Col. 5, line 5.)

Of course, the apparatus is only schematically shown, for the sake of brevity. And the skilled person will easily be able to devise many different kinds of apparatus suitable to supply the signal needed in carrying out the invention. ('484 Patent, Col. 15, lines 8-11.)